

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CLARKSBURG DIVISION

**WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS for and on behalf of
WEST VIRGINIA UNIVERSITY,**

Plaintiff,

v.

Civil Action No. 1:08-CV-00041
(Hon. John P. Bailey, District Judge)

RICHARD RODRIGUEZ,

Defendant.

NOTICE OF FILING OF LETTER OF CREDIT

Now comes the Defendant, Richard Rodriguez, by and through counsel, who hereby gives notice of the filing of a Letter of Credit in the amount of \$1,500,000.00. Because West Virginia University breached the employment agreement with Defendant, Defendant states that the maximum amount that could be owed by him to Plaintiff is \$1,500,000.00. Defendant hereby gives notice that he is depositing with the Clerk of this Honorable Court a Letter of Credit in the amount of \$1,500,000.00 which is valid for ninety (90) days, a copy of which is attached hereto as "Exhibit A". Defendant is filing this Letter of Credit in the spirit of compromise and as an act of good faith to assure West Virginia University that if this Honorable Court makes an award against Defendant said monies will be paid.

The amount of the Letter of Credit is equal to the maximum liquidated damages provision (penalty) at the date of termination provided for in the first amendment to the original

Employment Agreement. In any event, the amount of the letter of credit exceeds the first payment that Plaintiff claims is due.

RICHARD RODRIGUEZ
-----By Counsel-----

/s Sean P. McGinley, Esq.

Sean P. McGinley, Esq. (WV Bar No. 5836)

DITRAPANO BARRETT & DIPIERO PLLC

604 Virginia Street East
Charleston, WV 25301
Phone: 304-342-0133
Fax: 304-342-4605

Marvin A. Robon, Esq. (OH/0000644)

R. Ethan Davis, Esq. (OH/0073861)

BARKAN & ROBON LTD.

1701 Woodlands Drive, Suite 100
Maumee, OH 43537
Phone: (419) 897-6500
Fax: (419) 897-6200
Co-counsel for Defendant

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CERTIFICATE OF SERVICE

I, Sean P. McGinley, hereby certify that the foregoing was served to the following through the Court's ECF system on this 29th day of January 2008:

Thomas V. Flaherty, Esq.
Jeffrey M. Wakefield, Esq.
Jaclyn A. Bryk, Esq.
FLAHERTY SENSABAUGH & BONASSO, PLLC
PO Box 3843
Charleston, WV 25338-3843

Robert P. Fitzsimmons, Esq.
Robert J. Fitzsimmons, Esq.
FITZSIMMONS LAW OFFICES
1609 Warwood Avenue
Wheeling, WV 26003

/s Sean P. McGinley, Esq.
Sean P. McGinley, Esq. (WV Bar No. 5836)